
Public Notice

Applicant:
Frank M. Gerger

Date:
Published: Aug. 30, 2001
Expires: Sept. 29, 2001

**U.S. Army Corps
of Engineers**

In Reply Refer To:

Buffalo District CELRB-CO-R RE: 2001-01661(1) Section: OH 404

**Application for Permit under Authority of
Section 404 of the Clean Water Act (33 U.S.C. 1344).**

Frank M. Gerger, 6982 Madison Avenue, Madison, Ohio, 44057, has requested a Department of the Army Permit to fill approximately 0.16 acre of forested wetlands adjacent to Arcola Creek. The project is located on the east side of Hubbard Road (SR 528), approximately 0.15 mile south of the intersection with U.S. Route 20 (North Ridge Road), in the Town of Madison, Lake County, Ohio.

Department of the Army authorization is required to place approximately 2,300 cubic yards of earth fill in 0.16 acre of forested wetlands adjacent to Arcola Creek. The proposed project is located in the 100-year floodplain of Arcola Creek and, therefore, would not qualify for Nationwide Permit authorization.

The project will consist of the construction of a single 1,023 square foot concrete block building with attendant parking, driveway and landscaped areas. Developed areas will occupy a total of approximately 0.34 acre and are concentrated in the southern two-thirds of the site. The remainder of the site will be set aside to meet mandatory floodplain management and property line setbacks.

A minimum 40-foot setback will be observed along Arcola Creek in the northern portion of the site. Existing forest vegetation in this area will remain undisturbed. The project will require excavation of unsuitable soil material and the placement of approximately 2,300 cubic yards of earth fill material in the developed portion of the site in order to bring existing grades up to the level of Hubbard Road and adequately support the proposed building and pavement areas. Excavated material will be re-used on site as non-structural fill.

The proposed project would result in unavoidable wetland impacts totaling 0.16 acre of Category 2 forested wetlands. The applicant proposes to compensate for these unavoidable impacts through the purchase of 0.4 acre of wetland credit at the Ohio Wetlands Corporation Trumbull Creek wetland mitigation bank.

The applicant stated that the purpose of this project is construction of an express auto oil change and lube maintenance facility.

Location and details of the above described work are shown on the attached maps and drawings.

Questions pertaining to the work described in this notice should be directed to Geraldine L. Larson, who can be contacted by calling (716) 879-4331, or by e-mail at: geraldine.l.larson@usace.army.mil

The following authorization(s) may be required for this project:

Water Quality Certification (or waiver thereof) from the Ohio Environmental Protection Agency.

There are no registered historic properties or properties listed as being eligible for inclusion in the National Register of Historic Places that will be affected by this project.

In addition, available evidence indicates that the work proposed may affect 3 species proposed or designated by the U.S. Department of the Interior as threatened or endangered, and it may affect the critical habitat of any such species. The proposed project lies within the range of the Indiana bat, bald eagle, and piping plover, all Federally listed endangered species, and within land designated as Critical Habitat for the piping plover.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments should be sent to the U. S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207, and should be marked to the attention of Geraldine L. Larson, or by e-mail at: geraldine.l.larson@usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record which is available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

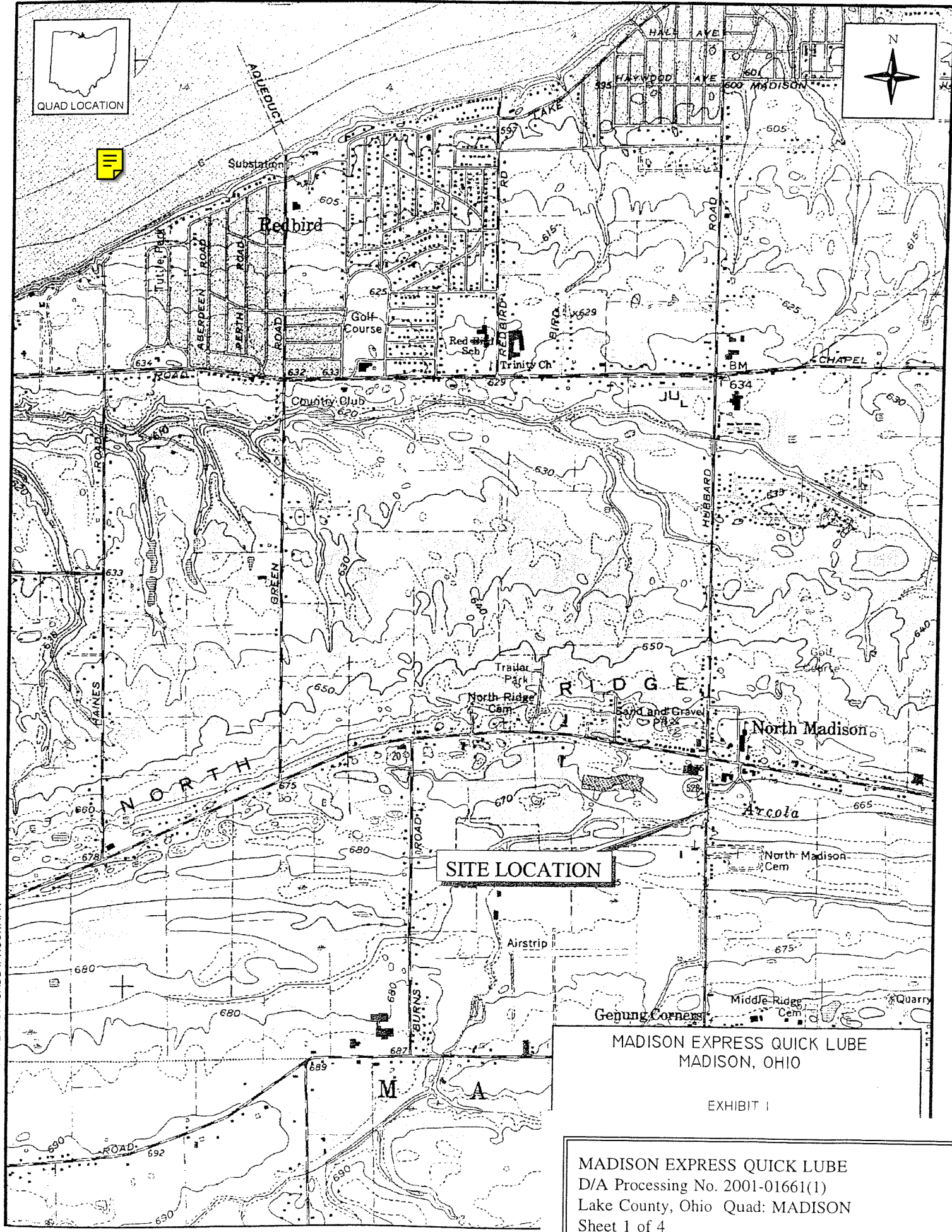
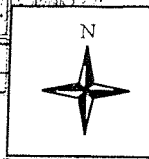
The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Paul G. Leuchner
Chief, Regulatory Branch

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.



QUAD LOCATION



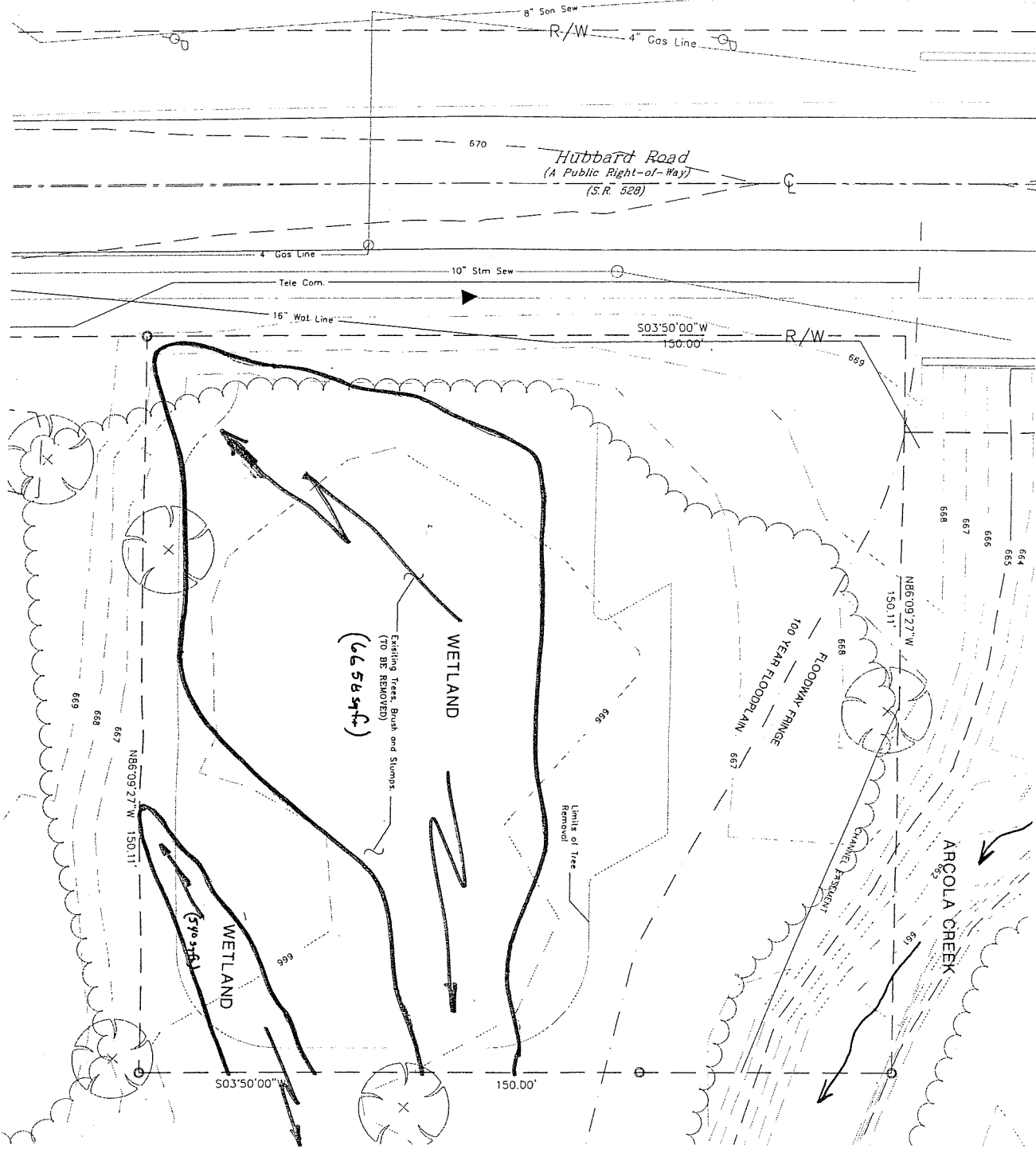
SITE LOCATION

MADISON EXPRESS QUICK LUBE
MADISON, OHIO

EXHIBIT I

MADISON EXPRESS QUICK LUBE
D/A Processing No. 2001-01661(1)
Lake County, Ohio Quad: MADISON
Sheet 1 of 4

P:\PR29457\CADD\PROJ\APR

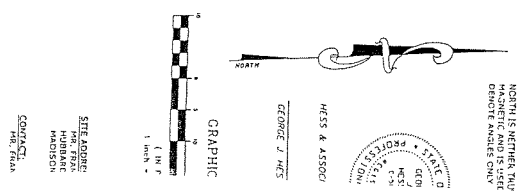


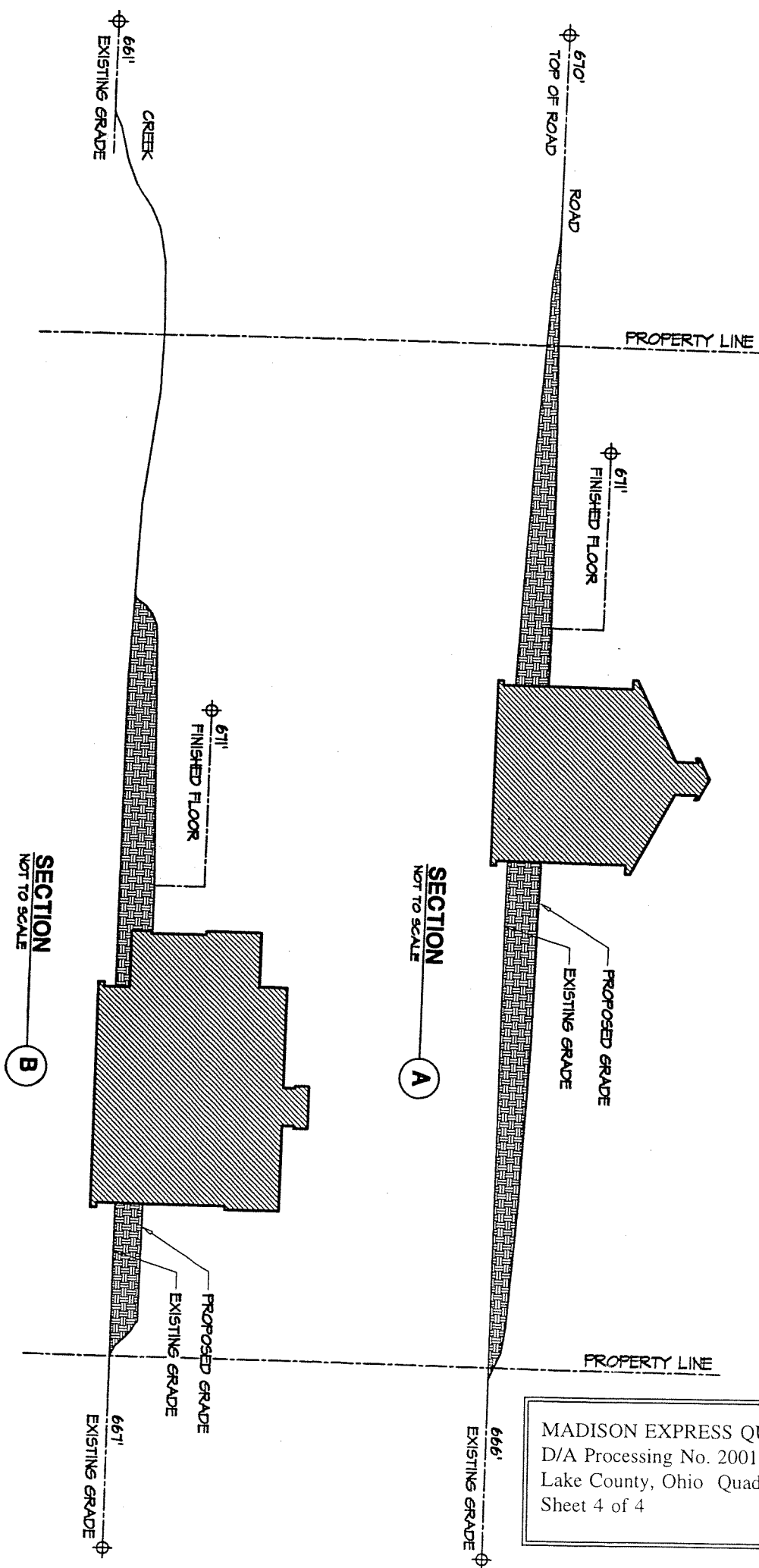
DESIGNED BY: J.M. DATE: Feb. 2001
 DRAWN BY: J.M. HORIZ. SCALE: 1"=100'
 CHECKED BY: J.M. VERT. SCALE: 1"=20'
 PROJECT No. 01-015
 CERGER OIL LUBE
 HUBBARD ROAD
 MADISON, OHIO 44057

WETLAND DELINEATION MAP
 MADISON EXPRESS QUICK LUBE
 6982 MADISON AVENUE
 MADISON, OHIO 44057
EXHIBIT 3
 BURGESS & NIPLE LIMITED
 ENGINEERS AND ARCHITECTS

Total Area of Wetlands:

MADISON EXPRESS QUICK LUBE
 D/A Processing No. 2001-01661(1)
 Lake County, Ohio Quad: MADISON
 Sheet 2 of 4





MADISON EXPRESS QUICK LUBE
D/A Processing No. 2001-01661(1)
Lake County, Ohio Quad: MADISON
Sheet 4 of 4